

*132  
cont.*  
41. The method for producing a multipack as claimed in claim 39, which further comprises inserting spacers between the edge sections of the bags which are to be superposed. --

REMARKS

This application provides for, *inter alia*, a multipack which is comprised of bags, each containing different products, which are arranged in a predetermined sequence for removal. The inventive multipacks provide for, for example, a simpler method to administer the drugs to a patient, and are easier to manufacture.

Pursuant to 37 C.F.R. 1.136(a) Applicants petition the Assistant Commissioner to extend the time period to file a response by one (1) month, *i.e.*, up to and including February 22, 2003. A check for \$110.00 is enclosed. It is believed that no further fees are required for the consideration of this Amendment. However, if an additional fee should be required, the Assistant Commissioner is authorized to charge the fee to Deposit Account 50-0320.

By this Amendment, Applicants cancelled claim 28, which is directed to non-elected subject matter. Applicants reserve the right to file a divisional application with claims directed to this invention.

This Amendment cancels all the claims in favor of a new set of claims directed to the preferred embodiment wherein the bags are arranged in a sequence that corresponds to a predetermined sequence of removal. Applicants have added these claims in order to advance prosecution and not for reasons related to patentability. Applicants reserve the right to pursue any cancelled embodiments in a continuation application.

While support for this new set of claims is found primarily in the claims that they replace, the amendments also clarify some of the claim language. For example, from Figures 5

and 6, it is clear that an edge section (9) is a portion of the edge. The edge is the sealed part of the bag and surrounds the non-sealed, inner area, which contains the product. Support for the element that the bags are arranged according to a predetermined sequence of removal is found on page 4, lines 6 to 9. Claims 34 and 35 claim the multipacks depicted in Figures 6 and 7. In Figure 6 the superimposed sections are parallel to each other and in Figure 7 these sections are slightly offset with respect to each other. Claims 37 and 38 are directed to specific products. Support for this element is found on page 1, lines 14 to 21. Thus, no new matter is added by this Amendment.

Claim 24 stands rejected under 35 U.S.C. § 112, second paragraph, and claims 25 to 27 stand rejected under 35 U.S.C. § 101, for not complying with conventional U.S. practice. It is urged that this new set of claims makes these formal rejections moot and the withdrawal of these rejections are requested.

Claims 19 to 27 stand rejected for allegedly being anticipated by Raffegeau, French Patent No. 2 629 797. As Raffegeau does not teach each and every element of the invention, as claimed, reconsideration and withdrawal of this rejection are requested.

The present claims provide for, *inter alia*, a multipack wherein the bags in the multipack contain different contents and are arranged according to a predetermined sequence. This permits the purchaser to follow the predetermined sequence when removing the product. Raffegeau does not disclose this element and, therefore, does not anticipate the present claims. Moreover, with respect to claim 38, it should be noted that Raffegeau does not teach offsetting the bags as provided for in step b. Accordingly, it is urged that Raffegeau does not anticipate the present claims and reconsideration and withdrawal of this rejection are requested.

**BEST AVAILABLE COPY**

Claims 19 to 27 stand rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over the teachings of Raffegeau. As Raffegeau does not provide any motivation to arrange the bags in the device described therein according to a predetermined sequence, it is urged that the rejection does not establish a *prima facie* case of obviousness and the withdrawal of this rejection is requested.

As discussed above, the present claims are directed to a device that simplifies the administration of a product, which is be used in a predetermined manner, to the purchaser. Moreover, the inventive device provides for the administration of planar products. Raffegeau does not provide any suggestion as motivation to the practitioner as to how one could adapt the devices described therein to administer products to the purchaser in a predetermined manner. Accordingly, it is urged that Raffegeau does not suggest the present invention and reconsideration of this rejection are requested.

Favorable action is earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:



Mark W. Russell  
Reg. No. 37,514  
Telephone: (212) 588-0800  
Facsimile: (212) 588-0500

**BEST AVAILABLE COPY**